

REMARKS/ARGUMENTS

Claims 1, 3-6, 10-12, 16, 17, 19-22, 26, and 38-49 are active in this application.

Claims 17 and 38 are amended for clarity. No new matter is added by these amendments.

Applicants wish to thank the Examiner for indicating that Claims 1, 3-6, 10-12, 19-22, 26, and 43-47 are allowed. Applicants request favorable reconsideration and allowance of all pending claims in light of the following.

The rejection of Claim 17 under 35 U.S.C. § 112, second paragraph is respectfully traversed. The hybridization conditions recited in Claim 17 have been amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 38-40 under 35 U.S.C. § 112, second paragraph is traversed. Claim 38 has been amended to include the step of collecting the L-amino acid produced in accordance with the Examiner's suggestion. Accordingly, withdrawal of this ground of rejection is requested.

The rejections of Claims 16 and Claims 48-49 under 35 U.S.C. § 112, first paragraph is respectfully traversed.

Claims 16, 48 and 49 provide isolated polynucleotides comprising at least 23 consecutive nucleotides of all SEQ ID NO: 1. There is no question that SEQ ID NO: 1 is described in the application. Therefore, selecting 23 consecutive nucleotides from a described sequence certainly conveys to one skilled in the art possession of this invention. In addition, Applicants remind the Examiner of the discussion the undersigned had with the Examiner and Supervisory Patent Examiner Achutamurthy who also sought advisement from biotechnology specialist Brian Stanton. The result of this discussion was that a claim directed to an isolated polynucleotide comprising, in this case 23 consecutive nucleotides

was, in fact, adequately described. Accordingly, withdrawal of both grounds of rejection is requested.

As there are no remaining issues, Applicants request an indication that all pending claims are allowed. Early notice of such is also requested.

Respectfully submitted,

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